IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27698 of 2007(V)

OPMV.88/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PATHANAMTHITTA
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PETITIONERS:
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1. CHINNAMMA, AGED 56, D/O KUNJAMMA,
MAVELI MANNIL VEEDU, KARIMANTHODU,
THEKKUTHODU, THENNITHODU VILLAGE.

2. SEBASTIAN, S/O CHINNAMMA,
AGED 42 YEARS, -DO- -DO-

BY ADV. SRI.N.SURESH
SRI.JIJI MATHEW

RESPONDENTS:
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1. P.PRABHAKARAN NAIR,
KADAMPARATHALACKAL, PADMANABHA MANDIRAM,
PLAVILA, OORUTTAMBALAM.

2. M.MUHAMMED KHAYOOB,
KADAVILAKKATHU PUTHEN VEEDU,
PANACHAMOODU P.O.

3. THE ORIENTAL INSURANCE CO. LTD.,
REP. BY ITS MANAGER, THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27698 OF 2007
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Dated this the 18th day of September, 2007

J U D G M E N T

By the award in OP(MV) 88/98, the Tribunal awarded an amount of Rs.1,61,623 in favour of the 1st petitioner. This amount was ordered to be deposited and accordingly the amount still lies in fixed deposit. In order to meet the treatment expenses of her son, petitioner sought to withdraw Rs.50,000/- and IA No.991/07 was filed before the Tribunal seeking an order on this behalf. IA was dismissed by Ext.P2 order and it is challenging the said order, this writ petition has been filed.

2. On going through Ext.P2 order, I am not impressed with the reasoning of the Tribunal. The petitioner has given genuine reasons for seeking release of Rs.50,000/- and while considering the same, the Tribunal has not only rejected the request, but also inferred that the

request appears to be at the instigation of her son. This inference was unwarranted. In my view, petitioner is justified in seeking release of Rs.50,000/- and the order Ext.P2 cannot be sustained.

3. Accordingly, Ext.P2 will stand quashed and the petitioner will be permitted to withdraw Rs.50,000/- from out of the amount now available in Fixed Deposit No.4573932 of the Union Bank of India, Pathanamthitta Branch.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp